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Remarks

The present amendment is in response to the Office Action mailed in the above-referenced case on June 19, 2001. Claims 1-37 are standing for Examination.

In the action the Examiner has rejected claims 27 through 37 under the judicially-created doctrine of double patenting. In response the applicant has provided herewith a Terminal Disclaimer over Patent 6,076,109.

Further, claims 1-9, 11, 13, 15 and 18-20 are rejected under 35 U.S.C. 103(a) over Meske (of record) in view of Rogers (of record). The Examiner states that Meske teaches converting Web data according to *the template*, and transferring the data to the client device; relying on Meske col. 5, line 58 through col. 6, line 36. The applicant has carefully studied the portion of the reference Meske upon which the Examiner relies, and abjectly fails to find any reference or teaching to a template as claimed. The Examiner has underlined a portion of Meske which discusses a profile/topic key, and defines same as a list of one or many topics, giving examples.

The profile/topic key provided in Meske is provided in an e-mail message to the server from a news source, and is provided to help identify and categorize the SGML text provided by the news source. The Examiner has simply focused narrowly on the single word "profile", and loosely equated that to applicants "template". The profile of Meske has nothing whatsoever to do with any one of characteristics of the client device, characteristics of a Web page, or preferences of a customer, as claimed.

A prima-facie rejection is required to have a reference to teach the specific limitation, not something that has a similar name, as was done here.

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So Meske fails to teach or suggest the Template as claimed, and the rejection is therefore improper. Further, the secondary reference, Rogers, also fails to teach the claimed limitation to which it is applied. The portion of Rogers to which the Examiner refers for support does not describe creating a listing of parameters according to the categories claimed. It simply describes hyperlinking and selection of pre-recorded options. There is no equivalence, and again, the Examiner is simply focusing on a word, in this case "request", to equate with "preferences of a customer" as claimed. This is a long reach, and does not provide a teaching that rises to the level needed for a prima facie rejection.

Thus the Meske/Rogers rejection fails on both Meske and Rogers, and claims 1-9, 11, 13, 15 and 18-20 are clearly patentable over this combination. Furthermore, there is no suggestion in either one of them to combine them.

The Examiner rejects claims 10, 12, 14, 16 and 17 over the combination of Meske and Rogers, as discussed above, and further in view of Judson. The Examiner relies on Judson to teach applicant's refreshing of pages stored for a client. The portion of Judson relied upon by the Examiner teaches nothing about refreshing stored content, and instead describes streaming banner advertisements during download of requested material. The teaching is unrelated to the claimed limitation, and the applicant is confused as to whether this is really the portion upon which the Examiner wishes to rely. In any case, as stated, the rejection of claims 10, 12 and 14 cannot stand on this reference. As to the teaching relied upon for the limitations of claims 16 and 17, again, the reference teaches accessing and displaying copyright logos, advertisements and the like, and not passing through a request to a client. Again, furthermore, there is no suggestion in

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either one of them to combine them.

Lastly, the Examiner rejects claims 21 through 37, which recite a limitation to reducing the number of files sent to a client device, by invoking Gleason, which teaches methods for reducing the size of packets. The Examiner must realize that files are defined documents that are sent on the Web as a flow of packets, each having a common source and destination. A packet is not a file, and reducing the size of the packets representing a file may indeed reduce the size of the file, but has nothing whatever to do with the number of files. This section deals with the OSI ISO networking layer model, which is fundamental knowledge for a person with skills in the art. Packets are in a completely different layer than files, and any change of the former should not affect the latter, which is the purpose of the layer model, based upon which essentially all commercially available networks rely.

This rejection therefore also fails. Furthermore, there is no suggestion in either one of them to combine them.

All of the claims are clearly patentable over the references as cited and applied, and the applicant therefore requests reconsideration, and that the present case be passed quickly to issue.

The applicant believes that the scope of the misunderstanding of the meaning of the claimed limitations, as evidenced by the application of unrelated teachings, indicates a telephone conference with the Examiner and his Primary is definitely indicated, and the applicant's agent has docketed to request an interview after this response is filed as Continuing Prosecution Application.

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Version With Markings to Show Changes Made

There have been no changes made in the claims or specification, and this section is provided only to avoid the probability of a Notice of Non-Compliance.

If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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by 

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1. Request to file a Continued Prosecution Patent Application.
2. Duplicate request to file a Continued Prosecution Patent Application.
3. Preliminary Amendment.
4. Terminal Disclaimer in compliance with 37 CFR 1.321(c).
5. Petition for Extension of Time to Respond Under 37 CFR 1.136.
6. Check for fees in the amount of \$ 969.00 (\$859.00 for CPA filing and excess claims, \$55.00 for Petition for Extension of Time and \$55.00 for Terminal Disclaimer).
7. Certificate of express mailing.
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